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EXAMINER

CHOI, PETER H

ART UNIT PAPER NUMBER

3623

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/007,612	WILLIAMS, MICHAEL	
	Examiner	Art Unit	
	Peter Choi	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2001.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-39 are pending in the application.

#### ***Priority***

2. Applicant is awarded the priority filing date of 11/10/00 and the claims will be examined accordingly.

#### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- In Figure 20, reference character 220 is used to represent the layout of average cost savings. Paragraph 53 (on page 15 of the specification) has designated reference character 270.
- In Figure 23, reference character 240 is used to represent sample reports. Paragraph 54 (on page 16 of the specification) has designated reference character 200.

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- In Figure 24, reference character 240 is used to represent sample reports.

Paragraph 54 (on page 16 of the specification) has designated reference character 200.

In Figures 23 and 24, the reference characters used are undecipherable. It is to the Examiner's best approximation that the reference character 240 has been used in place of 200. The Examiner recommends that the applicant resubmit applicable drawings with reference characters more clearly labeled.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The disclosure is objected to because of the following informalities:

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- Paragraph 39 (on page 11 of the specification) reads “Same questions, such as the query concerning vehicle type....” But should read “Some questions, such as the query concerning vehicle type...”.
- Paragraph 53 (on page 15 of the specification) describes average cost savings 270. However, Figure 20 uses reference character 220. These differences must be reconciled.
- Paragraph 54 (on page 16 of the specification) describes sample reports 200. However, Figures 23 and 24 use reference character 240. These differences must be reconciled.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-8, and 22-29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 1 and 22 recite the step of “calculating terms for portions of the

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consultative proposal". However, it is unclear if the calculated terms are related to the received responses to questions, or if they are performed on existing sets of data. It is noted that in claims 9, 19, and 30, savings are calculated based upon stored data and received responses. Appropriate correction is required.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. The term "nearly instantaneously" in claims 17 and 38 is a relative term which renders the claim indefinite. The term "nearly instantaneously" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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10. Claims 1, 3, 22, and 24 are rejected under 35 U.S.C. 102(a) as being anticipated by the 2000 Texas State Vehicle Fleet Management Plan from the Office of Vehicle Fleet Management (herein after referred to as Texas State Fleet Plan 2000).

As per claim 1, Texas State Fleet Plan 2000 teaches a method of forming a consultative proposal comprising:

generating a series of questions (**develop a list of fleet data reporting requirements used to make accurate fleet management decisions**) [Page 12];

receiving responses (**users submit information regarding each reporting requirement item; collect essential fleet data; all agencies and institutions are required to submit fleet data**) to the series of questions [Pages 8, 12];

calculating terms (**analyze essential fleet data**) for portions of the consultative proposal [Page 8];

combining the terms for portions of the consultative proposal with static information to form a completed consultative proposal (**create state fleet management plan**) [Page 8]; and

presenting the consultative proposal (**provide standardized fleet reports**) [Page 8].

Claim 22 recites similar limitations; therefore, the same rejection applies.

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As per claim 3, Texas State Fleet Plan 2000 teaches the method of claim 1, wherein the consultative proposal relates to vehicle fleet management (**vehicle fleet management plan**) [pages 1-35].

Claim 24 recites similar limitations; therefore, the same rejection applies.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2, 4-21, 23, and 25-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over the 2000 Texas State Vehicle Fleet Management Plan from the Office of Vehicle Fleet Management (herein after referred to as Texas State Fleet Plan 2000).

As per claim 2, Texas State Fleet Plan 2000 does not explicitly teach the method of claim 1, wherein no more than 10 questions are generated.



However, Official Notice is taken that it is old and well known in the surveying arts that short surveys are less burdensome to respondents, making it easier to obtain honest user responses. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Texas State Fleet Plan 2000 to limit the questionnaire to 10 questions, because the resulting invention would reduce the level of respondent burden, and increase the response rate.

Furthermore, the differences in the number of questions generated are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the number of questions generated. Further, the structural elements remain the same regardless of the number of questions generated. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); *MPEP* § 2106.

Claims 18, 23, and 39 recite similar limitations; therefore, the same rejection applies.

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As per claim 4, Texas State Fleet Plan 2000 does not explicitly teach the method of claim 1, wherein the questions are generated from a database and are transmitted over a computer network.

Official Notice is taken that it is an old and well-known step in the surveying arts to conduct surveys electronically by storing questions within a database and transmitting said survey questions over a computer network.

A database is by definition a repository of data, and thus can inherently be used to store survey questions.

Surveys are generated by using computer programming code (such as SQL) that is old and well known in the arts to query the database for specific survey questions and thereafter transmitted to the survey participant. This step is of marginal cost consequences and provides the additional benefits of automating data entry to save time and eliminate errors.

The advancement of technologies such as the Internet, has provided surveyors with the ability to field surveys to many people at relatively low cost (compared with the cost of fielding paper versions of the same surveys to the same population). Electronic surveys can be sent to many people for little marginal cost and data entry can be automated to save time and eliminate errors. The Internet can be used as a surveying

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mechanism via e-mail and the World Wide Web. With e-mail, surveys can be sent to e-mail addresses as text messages, which the recipient can then read, save, respond to, or throw away, much like a paper survey. Surveys can also be posted on the Web and may include text, pictures, and forms to be filled in by the participant.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the teachings of Texas State Fleet Plan 2000 to include the steps of generating questions from a database and transmitting said questions over a computer network because the resulting invention would realize the benefits of electronic surveying as discussed above.

It was known at the time of the invention that merely providing an automated way to replace a well-known activity (generating survey questions and transmitting said questions over a computer network) which accomplishes the same result is not sufficient to distinguish the claimed invention over the prior art in terms of patentability. *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

Claim 25 recites similar limitations; therefore, the same rejection applies.

As per claim 5, Texas State Fleet Plan 2000 does not explicitly teach the method of claim 1, wherein calculating the terms includes providing an estimation of savings

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when using the services of a fleet management company based upon the responses received.

However, Official Notice is taken that it is an old and well known practice in the asset management arts to ascertain the financial "what-if" consequences of purchasing, leasing, sale, expense handling, acquisition, disposal of specific types of assets, and to compare said financial consequences with the status quo in order to calculate the potential costs or savings.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Texas State Fleet Plan 2000 to include the step of calculating savings estimates because the resulting invention would yield a tangible analysis of the benefits and/or consequences of modifying existing fleet management protocols, which may lead to the identification of best practices, and "better" (more efficient, less wasteful, increased savings, decreased expenditures, etc) policies for asset management.

Claim 26 recites similar limitations; therefore, the same rejection applies.

As per claim 6, Texas State Fleet Plan 2000 does not explicitly teach the method of claim 1, wherein presenting the consultative proposal includes transmitting an

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electronic file over a computer network, wherein the electronic file is capable of being displayed on an electronic device.

Official Notice is taken that Electronic Data Interchange methods are an old and well-known means of transmitting electronic files over a computer network. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Texas State Fleet Plan 2000 to include the step of transmitting electronic files over a computer network, because the resulting invention would enable quick, efficient, and accurate processing of data, in addition to saving money, since no paper forms, envelopes, or postage is required, eliminating the need for data entry (also eliminating the associated time requirements and errors), and further provides the opportunity for a number of control and security measures to be implemented, as data security can be enforced through the use of user identification numbers and passwords.

Claim 27 recites similar limitations; therefore, the same rejection applies.

As per claim 7, Texas State Fleet Plan 2000 does not explicitly teach the method of claim 1, wherein presenting the consultative proposal includes transmitting a facsimile.

However, Official Notice is taken that the step of transmitting facsimiles is old and well known in the art. Therefore, it would have been obvious to one of ordinary skill in

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the art at the time of invention to modify the teachings of Texas State Fleet Plan 2000 to include the step of transmitting a facsimile, because the resulting invention would enable instant transmission of essential documents to and from remotely located recipients.

Furthermore, the differences in the means of distributing the proposal are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the means of distributing the proposal. Further, the structural elements remain the same regardless of the means of distributing the proposal. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); *MPEP* § 2106.

Claim 28 recites similar limitations; therefore, the same rejection applies.

As per claim 8, Texas State Fleet Plan 2000 does not explicitly teach the method of claim 1, wherein presenting the consultative proposal includes delivering a hard copy.

However, Official Notice is taken that the step of delivering hard copies of documents is old and well known in the art. Therefore, it would have been obvious to

one of ordinary skill in the art at the time of invention to modify the teachings of Texas State Fleet Plan 2000 to include the step of delivering hard copies of documents, because the resulting invention would enable instant distribution of essential documents to recipients.

Furthermore, the differences in the means of distributing the proposal are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the means of distributing the proposal. Further, the structural elements remain the same regardless of the means of distributing the proposal. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); *MPEP* § 2106.

Claim 29 recites similar limitations; therefore, the same rejection applies.

As per claim 9, Texas State Fleet Plan 2000 teaches a method of forming a consultative proposal comprising:

providing a series of questions regarding a fleet of vehicles (**develop a list of fleet data reporting requirements used to make accurate fleet management decisions**) [Page 12];

receiving a response (**users submit information regarding each reporting requirement item; collect essential fleet data; all agencies and institutions are required to submit fleet data**) to the series of questions [Pages 8, 12];

forming a completed consultative proposal (**state fleet management plan**) [Page 8]; and

presenting the consultative proposal (**provide standardized fleet reports**) [Page 8].

Although not explicitly taught by Texas State Fleet Plan 2000, Official Notice is taken that it is an old and well known practice in the asset management arts to ascertain the financial “what-if” consequences of purchasing, leasing, sale, expense handling, acquisition, disposal of specific types of assets to calculate potential costs or savings, and to combine said calculated costs or savings with static information (for example, descriptions of the methodology used, descriptions of differences between different purchasing options, contact information for the consultants providing the consultation service, etc) to generate analytical reports featuring insight regarding the expected financial impact from specific “what-if” actions.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Texas State Fleet Plan 2000 to include the step of calculating potential savings based upon stored data and received responses to survey questions because the resulting invention would enable users to make



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financially-minded decisions regarding asset management and to determine best practices for asset management.

Texas State Fleet Plan 2000 does not explicitly teach the use of computer networks, user terminals, or electronically formatted responses. However, Official Notice is taken that it is old and well known in the surveying arts to conduct surveys electronically by storing questions within a database and transmitting said survey questions over a computer network.

The step of transmitting survey questions and receiving responses to a survey question over a computer network inherently requires an electronic format of both the questions and responses.

The advancement of technologies such as the Internet, has provided surveyors with the ability to field surveys to many people at relatively low cost (compared with the cost of fielding paper versions of the same surveys to the same population). Electronic surveys can be sent to many people for little marginal cost and data entry can be automated to save time and eliminate errors. The Internet can be used as a surveying mechanism via e-mail and the World Wide Web. With e-mail, surveys can be sent to e-mail addresses as text messages, which the recipient can then read, save, respond to, or throw away, much like a paper survey. Surveys can also be posted on the Web and may include text, pictures, and forms to be filled in by the participant.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the teachings of Texas State Fleet Plan 2000 to include the step of conducting a survey over a computer network because the resulting invention would realize the benefits of electronic surveying as discussed above.

It was known at the time of the invention that merely providing an automated way to replace a well-known activity (providing survey questions over a computer network to a user terminal, receiving responses in electronic format over said computer network) which accomplishes the same result is not sufficient to distinguish the claimed invention over the prior art in terms of patentability. *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

Claim 30 recites similar limitations; therefore, the same rejection applies.

As per claim 10, Texas State Fleet Plan 2000 teaches the method of claim 9, wherein the questions include a question (**reporting requirement item**) regarding how the user acquires vehicles (**Acquisition/Acceptance Date, Acquisition Cost, Replacement Schedule**) [Page 8, 26, 27].

Claim 31 recites similar limitations; therefore, the same rejection applies.

As per claim 11, Texas State Fleet Plan 2000 teaches the method of claim 9, wherein the questions include a question **(reporting requirement item)** regarding how the user funds fleet purchases **(Procurement Funding Source)** [Page 26].

Claim 32 recites similar limitations; therefore, the same rejection applies.

As per claim 12, Texas State Fleet Plan 2000 teaches the method of claim 9, wherein the questions include a question **(reporting requirement item)** regarding how fleet vehicles are disposed of by the user **(vehicle replacement goals; disposal decisions; disposing of identified excess vehicles and identification of vehicles for disposal; Replacement Schedule; Disposal date, Odometer reading at disposal date, Disposal price, Net disposal proceeds)** [Pages 5, 8, 10, 27].

Claim 33 recites similar limitations; therefore, the same rejection applies.

As per claim 13, Texas State Fleet Plan 2000 teaches the method of claim 9, wherein the questions include a question **(reporting requirement item)** regarding the types of vehicles in the fleet **(Year, Make/Manufacturer, Model, Gross Vehicle Weight Rating, Wheel Base measurement, Engine Size, Number of Cylinders, Engine oil capacity, Transmission description, Transmission fluid capacity, Drive Type, Tire Size/Specifications, Number of tires, Fuel capacity, Factory installed**

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**options, Warranty, EPA MPG Rating, Vehicle Emissions Rating, License Plate Number, Vehicle Type/Class)** [Pages 23, 24, 25].

Claim 34 recites similar limitations; therefore, the same rejection applies.

As per claim 14, Texas State Fleet Plan 2000 teaches the method of claim 9, wherein the questions include a question **(reporting requirement item)** regarding how fuel expenditures are handled **(State fleet fueling policy; Fuel capacity, EPA MPG rating; Fuel Facility, Fuel Type, Fuel Quantity, Fuel Cost)** [Pages 6,24, 33].

Claim 35 recites similar limitations; therefore, the same rejection applies.

As per claim 15, Texas State Fleet Plan 2000 teaches the method of claim 9, wherein the questions include a question **(reporting requirement item)** regarding how maintenance expenses are handled **(Preventative Maintenance/Repairs, Preventative Maintenance/Repairs Facility, Preventative Maintenance/Repairs Cost, Preventative Maintenance/Repair Time, Accident Repair Expenses, Incident Repair Expenses, Standard Labor Rate, Incidental Lubricants Quantity, Incidental Lubricants Cost, Indirect Expenses/Costs {Overhead} )** [Pages 32, 33, 34, 35].

Claim 36 recites similar limitations; therefore, the same rejection applies.

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As per claim 16, Texas State Fleet Plan 2000 teaches the method of claim 9, wherein the questions include a question **(reporting requirement item)** regarding which jurisdiction the fleet is in for tax purposes **(Facility/District/Region/Section; Vehicle Location, Assigned or Pooled Vehicle, Individual or group name, Position, Commute to home)** [Pages 23, 30].

Claim 37 recites similar limitations; therefore, the same rejection applies.

As per claim 17, Texas State Fleet Plan 2000 does not explicitly teach the method of claim 9, wherein the consultative proposal is electronically generated and presented to the user nearly instantaneously.

Official Notice is taken that it is old and well known in the computing arts that the time required to perform calculations or perform search queries are nearly instantaneous, and that templates and macros can be used to automate the generation of analytical reports.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Texas State Fleet Plan 2000 to include the step of electronically generating the consultative proposal because the resulting invention would enable the surveyors to realize significant time savings as a result of instantaneous automation of report generation, and present the consultative proposal in

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an embodiment that facilitates the ease of distribution using means that are old and well known in the art, such as Electronic Data Interchange.

It was known at the time of the invention that merely providing an automated way to replace a well-known activity (electronically generate and present analytical reports) which accomplishes the same result is not sufficient to distinguish the claimed invention over the prior art in terms of patentability. *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

Claim 38 recites similar limitations; therefore, the same rejection applies.

As per claim 19, Texas State Fleet Plan 2000 teaches a system for generating consultative proposals comprising:

generating a series of questions (**develop a list of fleet data reporting requirements used to make accurate fleet management decisions**) related to fleet management [Page 12];

transmitting the questions **{providing users with the list of reporting requirements to which they must respond}** [Pages 23-34]; and

receiving responses (**users submit information regarding each reporting requirement item; collect essential fleet data; all agencies and institutions are required to submit fleet data**) to the questions [Pages 8, 12].

Texas State Fleet Plan 2000 does not explicitly teach the steps of including a database for storage of static promotional material, calculation criteria, survey questions, or software means of conducting an electronic survey.

Official Notice is taken that it is an old and well-known step in the surveying arts to conduct surveys electronically over a computer network.

The advancement of technologies such as the Internet, has provided surveyors with the ability to field surveys to many people at relatively low cost (compared with the cost of fielding paper versions of the same surveys to the same population). Electronic surveys can be sent to many people for little marginal cost and data entry can be automated to save time and eliminate errors. The Internet can be used as a surveying mechanism via e-mail and the World Wide Web. With e-mail, surveys can be sent to e-mail addresses as text messages, which the recipient can then read, save, respond to, or throw away, much like a paper survey. Surveys can also be posted on the Web and may include text, pictures, and forms to be filled in by the participant.

Furthermore, the step of conducting electronic surveys inherently requires the use of databases to store collected data, calculation criteria, and survey questions, and the software required to perform Electronic Data Interchange methods to transmit electronic data between computer terminals connected through a computer network. A

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database is by definition a repository of data, and thus can inherently be used to store survey questions, calculation criteria, and static promotional material.

Although Texas State Fleet Plan 2000 does not explicitly teach the steps of performing calculations based on calculation criteria or generating a consultative proposal based upon calculations and including static promotional material, Official Notice is taken that it is an old and well known practice in the asset management arts to ascertain the financial “what-if” consequences of purchasing, leasing, sale, expense handling, acquisition, disposal of specific types of assets to calculate potential costs or savings, and to combine said calculated costs or savings with static information (for example, descriptions of the methodology used, descriptions of differences between different purchasing options, contact information for the consultants providing the consultation service, etc) to generate analytical reports featuring insight regarding the expected financial impact from specific “what-if” actions.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Texas State Fleet Plan 2000 to include the step of calculating potential savings based upon stored data and received responses to survey questions because the resulting invention would enable users to make financially-minded decisions regarding asset management and to determine best practices for asset management.



As per claims 20 and 21, Texas State Fleet Plan 2000 does not explicitly teach the system of claim 19 wherein the computer is a server remotely accessible via a computer network such as the Internet.

Official Notice is taken that it is an old and well-known step in the surveying arts to conduct surveys electronically by storing questions within a database and transmitting said survey questions over a computer network.

Official Notice is also taken that Electronic Data Interchange methods are an old and well-known means of transmitting electronic files over a computer network.

The advancement of technologies such as the Internet, has provided surveyors with the ability to field surveys to many people at relatively low cost (compared with the cost of fielding paper versions of the same surveys to the same population). Electronic surveys can be sent to many people for little marginal cost and data entry can be automated to save time and eliminate errors. The Internet can be used as a surveying mechanism via e-mail and the World Wide Web. With e-mail, surveys can be sent to e-mail addresses as text messages, which the recipient can then read, save, respond to, or throw away, much like a paper survey. Surveys can also be posted on the Web and may include text, pictures, and forms to be filled in by the participant.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the teachings of Texas State Fleet Plan 2000 to include a remotely accessible computer because the resulting invention would realize the benefits of electronic surveying discussed above, and would enable quick, efficient, and accurate processing of data, in addition to saving money, since no paper forms, envelopes, or postage is required, eliminating the need for data entry (also eliminating the associated time requirements and errors), and further provides the opportunity for a number of control and security measures to be implemented, as data security can be enforced through the use of user identification numbers and passwords.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

In December 1997, Colin Burnhams' "Am I Getting Fleet Value?" teaches that the key areas of fleet management to achieve savings include: acquisition methods (outright purchase or some sort of outside funding), cost-effective operations (vehicle purchase and disposal, maintenance control, accident management and car hire), types of vehicles (most cost-effect vehicles to acquire and the period and mileage over which to run them), and the products and services needed to operate the fleets. Burnhams'

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suggests that a professional review of these key areas may be needed to realize cost savings in fleet management.

Irving et al. (U.S Patent #6,430,536) teaches a system and method for generating reports with respect to asset management. A processor based system is configured to prompt a user to collect various data related to the utilization of assets. After collecting the necessary data, the system then determines, or calculates, various summaries, assessments, and comparisons, and generates various reports and graphs for presentation to the user.

Robert Schaevitz's "Use of Life-Cycle Cost Analysis in Transit Capital Overhaul/Replace Decisions – An Application to the PATH Railcar Fleet" teaches the use of life-cycle cost analysis, a form of economic analysis used as a decision tool for new construction and capital equipment procurement. Specifically, the full range of costs pertaining to acquisition, construction, installation, operation, maintenance, and disposal are collected and analyzed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Choi whose telephone number is (571) 272 6971. The examiner can normally be reached on M-F 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PC

November 10, 2005

Peter Choi  
Examiner  
Art Unit 3623

*Susanna Diaz*  
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